

## **REMARKS/ARGUMENTS**

The Office Action mailed October 19, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

### Restriction Requirement

The application stands subject to a restriction requirement. The Examiner has designated Group I, claims 1-11, drawn to a network, a switch and dynamic break functions, classified in class 370, subclass 254, and Group II, claims 12-13, drawn to a frame, classified in class 370, subclass 473.

Applicant hereby affirms the election with traverse, to prosecute the claims of Group I, claims 1 through 11 in this Application, which was made in a telephone conversation between the Examiner and Henry J. Groth, Reg. No. 39,696, on October 13, 2004.

### Claim Status and Amendment to the Claims

Claims 1-15 are now pending.

Claims 12 and 13 have been withdrawn from consideration as the result of the restriction requirement.

Applicants gratefully acknowledge the indication of allowance of claim 9. Applicants are further grateful for the indication of allowability of claims 4 and 8, subject to their re-writing in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-8 and 10-11 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, pages 8-10, paragraphs [0014] through [0016], for example. The amendment also contains minor changes of a clerical nature.

New claims 14-15 have been added, which also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the specification, pages 10-11, paragraphs [0018]-[0019], for example.

No “new matter” has been added by the amendment.

#### Allowable Subject Matter

The Examiner is thanked for the kind allowance of claim 9, and for kind finding of allowable subject matter in claims 4 and 8 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant acknowledges the Examiner’s statement of reasons for allowance as set forth in the Office Action. However, Applicant points out that the reasons for allowability of the above referenced claims are not limited to the reasons for allowance as set forth in the Office Action, and that additional reasons for allowability may exist, each of which may be independently sufficient to establish the patentability of one or more pending claims.

Applicant respectfully reserves the right to introduce, articulate, or otherwise comment on any such additional reasons for allowance as may be appropriate in any future proceedings concerning the claimed invention.

The 35 U.S.C. §102 Rejection

Claims 1-3, 5-7 and 11 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Behzadi (U.S. Pat. No. 6,728,220), among which claims 1, 5, 10 and 11 are independent claims. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Claim 1 defines a dynamic break loop capable closed loop network, comprising (a) a plurality of switches wherein each switch has two uplink ports and each uplink port has a set of dynamic break loop logic functions, and (b) a plurality of links connecting the plurality of switches into a closed loop. The claimed set of dynamic break loop logic functions enables the network to operate dynamically as a plurality of open loop networks using an ID number and a filter ID number set for each of the plurality of switches, as recited in claim 1 as amended.

Behzadi allegedly discloses a method and system for preventing transmission loops in a ring network. Behzadi sets the right side time-to-live (TTL) value and the left side TTL value of the ring packets, which prevent the packets from traveling on the same

transmission link on the ring (Abstract, column 4, lines 23-26 thereof). The TTL value specifies the number of hops the packet can traverse, whereby the physical topology of a ring (alleged closed loop) is transformed into a logical arc (alleged open loop) (column 3, lines 1-5 of Behzadi). However, the TTL values are set based on the number (N) of network nodes, as the Examiner cited in the Office Action, and no identification (ID) number or filter ID number of the switches (or nodes) are used in such logical topology change. Especially, Behzadi fails to disclose or teach setting a filter ID number to each of the plurality of switches (nodes) or using such a filter ID number of the switches to enable the network to operate dynamically as a plurality of open loop networks, as recited in claim 1.

Claim 5, 10 and 11, as amended, also include substantially the same distinctive feature as claim 1. Accordingly, it is respectfully requested that the rejection of claims based on Behzadi be withdrawn. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

#### Dependent Claims

Claims 2-3 depend from claim 1, claims 6-8 depend from claim 5 and thus include the limitations of claims 1 and 5, respectively. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

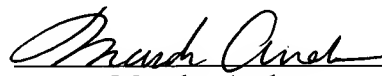
It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 12-2252.

Respectfully submitted,  
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Limited Recognition under 37 CFR §10.9(b)

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